Amendments. The 1980 amendment in subsection (b) added the second paragraph.

Rule 24.

COSTS—TAXATION

(a) Affirmance. — Appellee may recover brief cost at the amount allowed per page, not to exceed $300.00.

(b) Reversal. — Appellant may recover brief cost at the amount allowed per page, not to exceed $300.00, filing fee and record fee.

(c) * * *

[Amended by Per Curiam January 16, 1978; amended by Per Curiam July 7, 1980; amended by Per Curiam January 26, 1981.]

Compiler's Notes. In a Per Curiam of April 21, 1980, the Supreme Court stated: "Attorneys representing indigent persons in appeals to this court are requested to file motions for allowance of attorney's fees and expenses within 15 days after a mandate has been issued in the case. The motion should be accompanied by an affidavit stating the time spent in connection with the appeal, an itemization and explanation of all expenses incurred and a disclosure of any unusual problems in connection with the appeal. Motions not filed within 30 days of the issuance of a mandate will not be considered.

"It is extremely important that motions for payment of fees for services completed in a fiscal year be acted upon before the end of that fiscal year (June 30) because payment out of the appropriation for a fiscal year after the expiration of that year is at least subject to question. It is also doubtful that payment for services rendered in one fiscal year can be paid from the appropriation for the next fiscal year."

Amendments. Prior to the 1980 amendment, subsections (a) and (b) read as set out in the bound volume. The 1980 amendment in subsections (a) and (b) substituted "$300" for "$200."

The 1981 amendment substituted the present subsections (a) and (b) for those as amended in 1980.

Rule 29.

APPELLATE JURISDICTION OF THE COURT OF APPEALS

1. All cases heretofore appealable to the Supreme Court shall, from and after July 1, 1979, be appealed to the Court of Appeals, except that the following cases shall be appealed to the Supreme Court:

a. All cases involving the interpretation or construction of the Constitution of Arkansas;

b. Criminal cases in which the death penalty, life imprisonment, or a cumulative sentence of more than 30 years imprisonment has been imposed;

c. Cases, other than appeals from the Workman's Compensation Commission or from the Board of Review created by the Employment Security Law, in which the validity, interpretation, construction or constitutionality of an act of the General Assembly, an ordinance of a municipality or county, or a rule or regulation of any court, administrative agency or regulatory body is in question; declaratory judgment actions pertaining to the validity or applicability of a rule of an agency subject to the Administrative Procedure Act under Ark. Stat. Ann. § 5-705 (Repl. 1976);

d. Cases appealed from orders of the Arkansas Public Service Commission, the Arkansas Transportation Commission, and the Arkansas Pollution Control Commission, and cases involving rates for public utilities fixed by municipal authorities;

e. Appeals in cases based on petitions for post-conviction relief under Rule 37 of the Arkansas Rules of Criminal Procedure;

f. Cases of quo warranto, prohibition, injunction or mandamus directed to state, county or municipal officials or to circuit, chancery or probate courts;

g. Cases pertaining to elections and election procedures;

h. Cases involving the discipline of attorneys-at-law and other cases arising under the power of the Supreme Court to regulate the practice of law;

i. Motions for rule on the clerk under Rule 5 of the Rules of the Supreme Court and Court of Appeals; and when the case in which relief is sought has not previously been docketed in the Court of Appeals and a transcript filed, motions or petitions for writ of certiorari to complete the record and for admission to bail;

j. Cases in which the current appeal is a second or subsequent appeal following an appeal which has been decided in the Supreme Court;

k. Interlocutory appeals permitted by statute or by the Arkansas Rules of Civil Procedure or of Criminal Procedure;

l. Cases involving substantial questions as to usury;

m. Cases presenting a question as to products liability.

n. Cases presenting a question about oil, gas, or mineral rights.

o. Cases presenting a question in the law of torts.

p. Cases presenting a question about the construction of deeds or wills.

2. An appellant who contends that his appeal should be heard in the Supreme Court pursuant to Rule 29 (1), instead of in the Court of Appeals, shall designate on his notice of appeal and designation of the record the applicable subdivision of Rule 29 (1) which gives the Supreme Court jurisdiction. In addition, appellant shall preface his abstract and brief with a jurisdictional statement not exceeding two pages in length.

3. The Supreme Court may transfer to the Court of Appeals any case appealed to the Supreme Court and may transfer to the Supreme Court any case appealed to the Court of Appeals.

4. The Court of Appeals may certify any case appealed to the Supreme Court, if the Court of Appeals finds that the appealed case:

a. is excepted from its jurisdiction by section 1 hereof;

b. involves an issue of significant public interest or a legal principle of major importance.

The Supreme Court may accept for its docket cases so certified, or may remand any of them to the Court of Appeals for decision.

5. No case filed in either the Supreme Court or the Court of Appeals shall be dismissed for having been filed in the wrong court, but shall be transferred or certified to the proper court.

6. No appeal as of right shall lie from the Court of Appeals to the Supreme Court. Certiorari may be granted by the Supreme Court for review of decisions of the Court of Appeals if, but only if, the Supreme Court determines that the case (a) should have come to the Supreme Court originally under section 1 of this rule, (b) should have been certified to the Supreme Court under section 4B [4b] of this rule, or (c) was decided in the Court of Appeals by a tie vote.

Petitions for review must be in writing and must be filed within 17 calendar days from the date of the decison. Petitions may be typewritten and shall not exceed two legal size, double-spaced, typewritten pages in length. The petition must briefly and distinctly state the basis upon which the case should be reviewed and may include citations of authority or references to statutes or constitutional provisions. Briefs will not be accepted and oral argument will not heard in support of petitions for review; however a party may attach to his petition for review a copy of his petition for rehearing in the Court of Appeals. Except in cases appealed to the Court of Appeals from the Workers Compensation Commission or the Employment Security Board of Review, no petition for review on the ground that the case involves an issue of significant public interest or a legal principle of major importance, as specified in subparagraph 4 (b) of this Rule, will be considered unless the party petitioning for review filed in the Court of Appeals, before the submission of the case to that court, a motion asking that the case be certified to the Supreme Court on that ground, with a certificate of counsel that the motion is filed in the good faith belief that the case should be so certified.

7. It is the intention of this court by the adoption of this rule to achieve an equalization of the appellate workload between the Supreme Court and the Court of Appeals. If the classifications made herein do not achieve this objective, adjustments will be made.

8. Except as herein provided, appeals to the Court of Appeals shall be taken in the same matter [manner] as heretofore provided for appeals to the Supreme Court.

9. This rule is adopted pursuant to Amendment 58 to the Constitution of Arkansas. [Adopted May 14, 1979; amended October 15, 1978; amended January 28, 1980, effective January 28, 1980; amended February 25, 1980; amended May 5, 1980; amended June 30, 1980; amended October 6, 1980; amended December 22, 1980, effective March 1, 1981; amended March 2, 1981, effective May 1, 1981; amended April 27, 1981.]

Compiler's Notes. The Per Curiam order of January 28, 1980, which amended this section, contained the following paragraph: "Any cases falling under subsections k, l and m which are now on the docket of the Court of Appeals and have not been taken under submission by that court should be certified by that court to the Supreme Court."

The Per Curiam order of January 25, 1980, entitled "Temporary Transfer of Jurisdiction," read: "In order to enable the Court of Appeals to establish and maintain currency in its docket, all appeals perfected between this date and July 1, 1980, in criminal cases in which the cumulative sentence imposed is five years or more, shall be lodged in the Supreme Court. The Court of Appeals may certify any such case now on its docket which has not been taken under submission by that court to the Supreme Court. After July 1, 1980, the jurisdiction of the two courts shall be as stated in Rule 29 of the Rules of the Supreme Court and Court of Appeals, as amended by Per Curiam order of this date."

The Per Curiam order of July 7, 1980 read: "In order to enable the Court of Appeals to maintain currency in its docket, all appeals perfected between July 1, 1980, and January 1, 1981, in criminal cases in which the cumulative sentence imposed is more than ten years, shall be lodged in the Supreme Court. After January 1, 1981, the jurisdiction of the two courts shall be as stated in Rule 29 of the Rules of the Supreme Court and Court of Appeals, as amended by Per Curiam order which is also entered on this date."

The Per Curiam orders of December 22, 1980 and March 2, 1981 read: "Many members of the bar apparently do not realize that a party may ask the Court of Appeals to certify a case to the Supreme Court for decision, under Rule 29 (4) (b). That option is not